

Application No. 10/539,940  
Amendment Dated: June 1, 2009  
Reply to Office Action of: March 10, 2009

### **REMARKS/ARGUMENTS**

Claims 1 is amended and claim 9 is canceled. Claims 5, 10, 12 and 16-18 were previously canceled. Upon entry of the amendment, claims 1-4, 6-8, 11, 13-15, 19 and 20 are pending for consideration.

Claim 1 has been amended to incorporate the features previously recited in claim 9. Claim 9 has accordingly been canceled.

Entry and reconsideration of this Response is proper since all the claim features have been previously of record and no additional search or examination is required by the Examiner.

Claims 1-4, 6, 7, 9, 11, 13-15, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,315,164 to Mühlbauer et al in view of U.S. 4,613,078 to Marshall.

It will be appreciated that with reference to applicant's disclosed embodiment the holder 10 for the mixing nozzle 5 has two projections on which it is possible to push the foot part 8 of the mixing nozzle. The foot part has grooves 9 diametrically arranged therein as illustrated in Figures 3 and 5.

The Examiner will appreciate that the Marshall reference does not disclose a device for dispensing mixed multi component compound. Furthermore, the Marshall reference does not disclose an axial parallel guide. However, and more importantly, neither the cited Mühlbauer reference nor the Marshall reference disclose, teach or suggest the feature wherein the mixing

nozzle has a foot part having grooves arranged diametrically therein and the holder for the mixing nozzle has two projections onto which it is possible to push the foot part of the mixing nozzle. This feature has now been incorporated into all of the claims. Accordingly, it is respectfully submitted that all of the claims in the application as amended are now in condition for allowance.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,351,164 to Mühlbauer et al as modified by U.S. 4,613,078 to Marshall and further in view of U.S. 6,619,566 to Gressert et al.

First of all, claim 8 is patentable for the reasons previously advanced for amended claim 1. Furthermore, the Gressert et al reference employs a different lever-type mechanism than that disclosed in the present application and it is not seen how one of ordinary skill in the art would properly look to the type of mechanism in the Gressert Jr. et al reference given the proposed combination of Mühlbauer et al and Marshall. Applicant's lever mechanism indicated at 12 in Figs. 3 and 4 is oriented for movement in a transverse direction with respect to the cited lever of the Gressert reference.

For the foregoing reasons, it is respectfully submitted all claims in the application as amended are now in condition for allowance. Accordingly favorable re-consideration by the Examiner is respectfully submitted.

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Respectfully Submitted,

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